

## REMARKS

Claim 1-32 are pending in the subject application. After entry of the above amendment to the claims 1, 2, 7, 9, 10, 15, 16, 17, 18, 24 and 32 are currently amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

Applicants respectfully withdraw the amendment to the claims made on December 30, 2004.

I. Claims 1-6, 8 and 13-23 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

The claims have been amended in response thereto.

II. Claims 1-5, 7, 10-16 and 18-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coleman (U.S. 5,370,884) in view of Donsky (U.S. 6,120,202) and Baker (WO 00/19803), further in view of PhiladelphiaCityPaper.net, [www.topps.com/Confectionary/BabyBottlePop/\(2001\)](http://www.topps.com/Confectionary/BabyBottlePop/(2001)), [www.toppscanada.com/Confectionary\(2000\)](http://www.toppscanada.com/Confectionary(2000)), further in view of Gallart et al. (U.S. 6,187,350), Schlotter et al. (U.S. 4,914,748) and Silverstein (U.S. 6,136,352). This rejection is respectfully traversed.

Coleman '884 discloses a sucker 8 connected to a candy sucker holder 18. The device includes a reservoir section 10 having a single compartment. Coleman '884 discloses that "the reservoir could include separate sections of candy powder in which each section would be a different flavor" (column 2, lines 44-46). Coleman '884 does not show this embodiment, and does not disclose a "dividing wall" according to the claimed combination.

Donsky discloses a nail polish applicator bottle including two applicators means 4a, 4b to be received within dual chambers A, B. This reference is non-analogous art, and does not relate to an article including at least one candy sucker and at least one edible food product. Furthermore, the two applicator means 4a, 4b

are connected to and extend downwardly from the cap 3 unlike the claimed combination.

Baker discloses a confectionery device having a single compartment.

Philadelphiacitypaper.net discloses the Baby Bottle Pop as a miniature baby bottle filled with a fruity powder and topped with a screw-off candy nipple. The candy nipple is connected to the screw-off cap. Further, the bottle is a single compartment bottle.

Topps.com discloses a candy juice baby bottle pop candy with a candy nipple connected to the cap and located external of the container. Further, the container is a single compartment container.

Toppscanada.com discloses a baby bottle pop with a candy nipple connected to the cap and located external of the container. The container is a single compartment container.

Gallart et al. discloses a combination confectionary product including a plastic container 10 and a candy product 13. The candy product 13 is stored within

plastic cap 20 and is connected to the container 10 shown in Figure 3. Both the container 10 and cap 20 form a single compartment type container when assembled.

Schlotter IV, et al. discloses a novelty flashlight and a piece of candy for illumination including candy 26 stored within a protective covering 27. The candy 26 is connected to the housing 10 of the flashlight and the covering 27 is a single compartment.

Silverstein et al. discloses a novelty candy product including a barrel 10, candy portion 15 and cap member 26. The barrel 10 is provided with a single compartment and the candy portion 15 is connected thereto by disk shaped valve member 19.

The claims have been amended to cover embodiments having multiple compartments, in particular to embodiments of the type shown in Figures 1 to 6.

Coleman does not disclose a container split into two compartments by a dividing wall according to the claimed combination. Baker and the other cited references only disclose single compartment containers. These references alone or in combination do not teach or suggest the claimed invention.

III. Claims 6, 8, 9 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Coleman et al. (U.S. 5,690,535) Parr (D 117455), Parr (D 117456), Kennedy (U.S. 2,464,515), Overland (U.S. 2,500,006) and Ferguson (U.S. 2,834,685) for the reason given in the Office Action mailed 4/23/04. This rejection is respectfully traversed.

Coleman et al. has been discussed above with regards to the rejection of claim 1, and Parr, 455, Parr, 456, Kennedy, Overland and Ferguson are not relevant since these references only relate to a confectionary product having multiple confections, and add nothing relevant to the claimed combination including a container split into two compartments by a dividing wall.

IV. Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claim 24 above and further in view of Coleman et al., 535, Parr, 455, Parr, 456, Kennedy, Overland and Ferguson..

Coleman et al. has been discussed above with regards to the rejection of claim 1, and Parr, 455, Parr, 456, Kennedy, Overland and Ferguson are not relevant since these references only relate to a confectionary product having multiple confections, and add nothing relevant to the claimed combination including a container split into two compartments by a dividing wall.

V. Claims 1,3-5, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Philadelphiacitypaper.net, Topps.com and Toppscanada.com. This rejection is respectfully traversed.

These references do not teach or suggest the claimed combination including a container split into two compartments by a dividing wall. Specifically the baby bottle pop disclosed in these references is only a single compartment container.

In view of the above amendment and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are necessary and hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-1243.

Respectfully submitted,

KLIMA LAW OFFICES, P.L.L.C.



William L. Klima  
Attorney for Applicant  
Registration No. 32,422

Date: \_\_\_\_\_

P. O. Box 2855  
Stafford, VA 22555-2855  
(540) 657-9344